



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

REC-3 - JUL 8 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. A.J. Gustray
Director, Facilities Engineering
Lenox China, Inc.
Tilton Road
Pomona, New Jersey 08240

Re: Facility in Pomona, New Jersey
EPA ID No. NJD002325074

Dear Mr. Gustray:

Section 3005 of the Resource Conservation and Recovery Act (RCRA) mandates the Environmental Protection Agency (EPA) to establish a program requiring permits for hazardous waste treatment, storage, and disposal facilities. EPA has issued regulations to implement this permit program, which are published at 40 CFR Parts 122, 261, 264 and 265. Part 122 of the Consolidated Permit Regulations has been reorganized (Federal Register, April 1, 1983) with no substantive changes to any of the affected sections. Those sections in Part 122 which pertain to the RCRA permit program are now designated as Part 270.

Pursuant to these regulations, you have already submitted Part A of your permit application. This letter constitutes an official request for Part B of the application for the above referenced facility. Your application must be submitted by no later than January 11, 1984. Please note that your failure to submit the necessary information by the required date may be grounds for termination of interim status pursuant to 40 CFR §122.22 (a)(5) (now 270.10(e)(5)).

In order to prepare your Part B application and make any necessary revisions to your Part A application, you may need to refer to the following:

1. 40 CFR §122.25(now 270.14 - 270.29): The required contents of the Part B application. This document (current as of July 1, 1982) has been enclosed for your convenience. Also enclosed is a copy of the July 26, 1982 amendment to 40 CFR §122.25. These enclosures should assist you in assessing the completeness of your submittal.

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2. 40 CFR Part 261: The identification and listing of hazardous waste. This regulation has been extensively amended since you submitted your Part A application. In order to insure that your submittal is current, we recommend that you review your operation in light of this current list.
3. 40 CFR Part 264: Standards for hazardous waste treatment, storage and disposal facilities. This regulation sets forth the technical standards which must be met by these facilities.

All of the regulations cited above were published in the Code of Federal Regulations (CFR) revised as of July 1, 1982. The regulations are published in two volumes; 40 CFR Parts 190 to 399 and 40 CFR Parts 100 to 149. The CFRs are available through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at a cost of \$7.50 each. For your convenience, we have also enclosed a list of all of the pertinent amendments to 40 CFR §122.25 and 40 CFR Parts 261 and 264 made subsequent to July 1, 1982.

Also enclosed for your reference is a copy of "A Guide for Preparing RCRA Storage Permit Applications." Although this document is in preliminary form, and has been written specifically for owners and operators of facilities which store or treat hazardous waste in containers, tanks or piles, it contains useful guidance for preparing Part B permit applications. We recommend that your application format follow the order suggested in this guidance.

Although your application is not due until the above referenced date, please be advised that early submittals are encouraged. This will expedite the review of your application and the subsequent issuance of a permit. All submittals should be addressed to the attention of:

Ernest A. Regna, Chief
Solid Waste Branch
U.S. Environmental Protection Agency
26 Federal Plaza, Room 905
New York, New York 10278

Please submit three copies of the application along with the original to the above address. One copy of the application should be sent to:

Frank Coolick, Chief
Bureau of Engineering Review and Permits
Division of Waste Management
New Jersey Department of Environmental Protection
32 East Hanover Street
Trenton, New Jersey 08625

You may, if you so desire, assert a business confidentiality claim covering all or part of the information contained in the permit application. Such claims must be clearly indicated by marking "confidential" on the specific information submitted for which confidential treatment is requested, and must be accompanied, at the time of filing, by a written substantiation of the claim, by answering the following questions:

- A. Which portions of the information do you claim are entitled to confidential treatment?
- B. For how long is confidential treatment desired for this information?
- C. What measures have you taken to guard against undesired disclosure of the information to others?
- D. To what extent has the information been disclosed to others, and what precautions have been taken in connection with that disclosure?
- E. Has EPA, or any other Federal agency, made a pertinent confidentiality determination? If so, include a copy of such determination or reference to it, if available.
- F. Will disclosure of the information be likely to result in substantial harmful effects on your competitive position? If so, what would those harmful effects be and why should they be viewed as substantial? Explain the causal relationship between disclosure and the harmful effects.

Confidential Part B information should be transmitted to EPA in a separate envelope, clearly marked on the front with the words "RCRA Confidential Business Information."

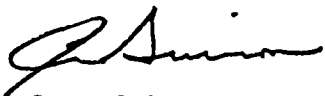
Information covered by a confidentiality claim and the above substantiation will be disclosed by EPA only to the extent and by means of the procedures set forth in 40 CFR Part 2.

The 180 day time period provided in the RCRA regulations is adequate time for a facility to prepare a Part B application or make a decision regarding withdrawing its Part A application and thereby terminating its interim status. As noted above, any delays in the submission of your Part B application can subject your facility to CFR §122.22(a)(5) (now 270.10(e)(5)) which states:

"Failure to furnish a requested Part B application on time, or to furnish in full information required by the Part B application, is grounds for termination of interim status under Part 124."

If you have any questions about the contents of the application or this letter, please contact Mr. Eddy Louie at 212-264-1639.

Sincerely yours



Conrad Simon
Director
Air and Waste Management Division

Enclosures

cc: Frank Coolick, NJDEP

w/o enclosures
01/07/99 - KON

John Trela, NJDEP

Angel 2C



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF WASTE MANAGEMENT

32 E. Hanover St., CN 028, Trenton, N.J. 08625

MARWAN M. SADAT, P.E.
DIRECTORLINO F. PEREIRA, P.E.
DEPUTY DIRECTORCERTIFIED MAIL-RETURN RECEIPT REQUESTED18-6 DEC 1984

A. J. Gustray, Director
Facilities Engineering
Lenox China, Inc.
Tilton Toad
Pomona, NJ 08240

RE: Lenox China, Inc. - EPA ID NO. NJD002325074

Dear Mr. Gustray:

The Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) authorized the New Jersey Department of Environmental Protection (NJDEP) to establish a program requiring permits for hazardous waste treatment, storage or disposal facilities. NJDEP has issued regulations to implement this permit program, which can be found under N.J.A.C. 7:26-1.1 et seq.

Pursuant to these regulations, specifically N.J.A.C. 7:26-12.3, your facility has been operating as an existing facility since the New Jersey Hazardous Waste Management Regulations (N.J.A.C. 7:26-1.1 et seq.) became effective on October 8, 1981. Our records show that you have submitted either Part A of the USEPA RCRA Permit Application or Part A of the New Jersey Hazardous Waste Facility Permit Application. If necessary, your part A application shall be revised to reflect the requirements of N.J.A.C. 7:26-1.1 et seq.

This letter shall constitute an official request for the complete New Jersey Hazardous Waste Facility Permit Application, which shall include the items set forth in Attachment 1.

Your application should be submitted no later than three (3) months from the date of this letter. Failure to submit the required applications by these dates shall constitute grounds for termination of existing facility status pursuant to N.J.A.C. 7:26-12.3(f)2. If additional time is necessary please contact the Bureau of Hazardous Waste Engineering to arrange for a possible deadline extension.

DEC 8 1984

It is acknowledged that you have already submitted a RCRA Part B application to the USEPA. The Division of Waste Management and Division of Water Resources have obtained a copy of this Part B application from the USEPA and have jointly performed a preliminary review for compliance with N.J.A.C. 7:26-12.1 et seq. and N.J.A.C. 7:14A-4.1 et seq. Attached you will find a checklist (Attachment III) and accompanying explanations of items found deficient through this review. Please be advised that if you have received a USEPA Notice of Deficiency it is only a preliminary evaluation of the application against USEPA regulations not NJDEP regulations. Furthermore, it only addresses the land disposal aspects of the application.

NJDEP has received Phase I and Phase II A & B authorization from USEPA, for permitting of storage, treatment, and incineration activities. In these instances an NJDEP permit is deemed equivalent to a federal RCRA permit, thereby eliminating the need to obtain a permit from USEPA. Land disposal permitting, however, is covered under Phase II C, which NJDEP has not yet been authorized to implement. As a result of this, permits for land disposal must be obtained from both NJDEP and USEPA, until such a time as NJDEP is authorized for Phase II C.

When NJDEP becomes Phase II C authorized review of your application by USEPA will be suspended and transferred to NJDEP thus requiring you only to obtain a permit from NJDEP. It is expected that NJDEP will receive Phase II C in early 1985, therefore it is likely you will only have to obtain a permit from NJDEP for your land disposal operation.

The items included in the checklist (Attachments I & III) shall be submitted not later than three (3) months from the date of this letter to amend the RCRA Part B application to make it complete for New Jersey permit application requirements. The submittal of four (4) copies of the information required by the checklist, in addition to the previously submitted copies of your RCRA Part B application will be recognized as your New Jersey Hazardous Waste Facility Application.

As stated above, your full application is not due until three (3) months from the date of this letter. However, I would encourage you to start work on it as early as possible because there is a significant amount of information to be submitted. All submittals should be addressed to the attention of:

Frank Coolick, Chief
Bureau of Hazardous Waste Engineering
Division of Waste Management
New Jersey Department of Environmental Protection
32 East Hanover Street
Trenton, New Jersey 08625

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Initially, all applicants shall submit four (4) copies of the application. The Department will notify the applicant as to how many additional copies are needed for distribution to appropriate state and local authorities when it completes its initial evaluation of the application.

Should you wish to treat part of your application as confidential information, please refer to Attachment II, which outlines the procedures to be followed in making this claim.

I have taken the liberty of scheduling two (2) application conferences in order to assist you in preparing this application. These conferences have been scheduled for January 10, 1985 and February 7, 1985 at 10:00 a.m. These conferences will be held in the 2nd floor conference room, 32 East Hanover Street, Trenton, New Jersey 08625. If it is determined that one or both of these conferences is unnecessary, please notify my office of the cancellation. Should you have any questions regarding this official request to submit your Hazardous Waste Facility Permit Application, please do not hesitate to contact me at (609) 292-6724 or the Bureau of Hazardous Waste Engineering at (609) 292-9880.

Very truly yours,



Edward J. Londres, P.E.
Assistant Director
Engineering

EP7/ch

Attachments

c: Angel Chang, USEPA
Ken Siet, DWR

w/o attachments
01/07/99 - KOM